IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929

WP(C).No. 31055 of 2006(S)

OA.769/2003 of CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH
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PETITIONER:

S. SHAHANAS, AGED 24 YEARS,
S/O.SRI.E.K. SHIHABUDDIN, MAZDOOR,
SUB RECORD OFFICE, KOLLAM, RAILWAY MAIL SERVICE
(TV) DIVISION, RESIDING AT MANAN VATHUKKAL,
VADAKKEVILA P.O., KOLLAM.

BY ADV. SRI.M.A.SHAFIK

RESPONDENTS:
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1. UNION OF INDIA, REPRESENTED BY
SECRETARY/DIRECTOR GENERAL OF POSTS,
MINISTRY OF COMMUNICATIONS, NEW DELHI-110 001.

2. THE SENIOR SUPERINTENDENT
RAILWAY MAIL SERVICE, TRIVANDRUM DIVISION,
TRIVANDRUM.

3. THE SUB RECORD OFFICER,
SRO, KOLLAM, RMS (TV) DIVISION, KOLLAM-1.

4. THE CHIEF POSTMASTER GENERAL,
KERALA REGION, TRIVANDRUM.

5. DEEPA SASIDHARAN, D/O.SASIDHARAN,
DEEPTHY, KADAPPAKADA, KOLLAM.

BY SRI.P.PARAMESWARAN NAIR, CGSC
SRI.JOHN VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ.
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W.P(c) NO. 31055 OF 2006
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Dated this the 12th day of June, 2007

J U D G M E N T

Radhakrishnan, J.

This writ petition has been preferred against the order of the Central Administrative Tribunal (CAT) in OA 769/2003. Counsel appearing for the writ petitioner submitted that OA 769/2003 was disposed of along with OA 738/2003 and connected cases. Against the order in OA 738/2003, WP(C) 2473/2007 was filed before this court, which was disposed of by another Division Bench setting aside the order of the Tribunal and directed to consider whether the petitioners therein had worked for 240 days in the year of 2002, if that be so, the court held that automatically they would get the benefit of the two letters dated 6.6.1988 and 31.3.1992.

2. We have perused the order under challenge. It is clear from the materials made available before the Tribunal that petitioner had not worked for 240 days in any of the years. Petitioner submitted that the finding made by the Tribunal is

incorrect. Petitioner, if so advised, may move the Tribunal and establish the fact that he had worked for 240 days about which we express no opinion. Petitioner if so advised may produce a copy of the judgment in WP(C) No.2473/2007 before the Tribunal and Tribunal will consider the same and pass appropriate orders.

3. If there is delay in filing the application for review, the same also may be considered by the Tribunal taking into consideration all aspects including the pendency of the writ petition here as well as taking note of the direction in WP(C) No.2473/2007.

Writ petition is disposed of with the above directions.

K.S.RADHAKRISHNAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp